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9 Attorneys for Defendant and Counterclaim Plaintiff
10 KEATING DENTAL ARTS, INC.

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13 SOUTHERN DIVISION

14 JAMES R. GLIDEWELL DENTAL
15 CERAMICS, INC., DBA
16 GLIDEWELL LABORATORIES,
17 a California corporation,

18 Plaintiff,

19 vs.

20 KEATING DENTAL ARTS, INC.,
21 a California corporation,

22 Defendants.

23 KEATING DENTAL ARTS, INC.
24 a California corporation,

25 Plaintiff,

26 vs.

27 JAMES R. GLIDEWELL DENTAL
28 CERAMICS, INC., DBA
GLIDEWELL LABORATORIES,
a California corporation, and
DOES 1 THROUGH 5, inclusive,

Defendants.

Civil Action No.
SA-CV-11-01309-DOC(ANx)

**NOTICE OF UNOPPOSED
MOTION AND UNOPPOSED
MOTION FOR LEAVE TO FILE
FIRST AMENDED ANSWER,
AFFIRMATIVE DEFENSES,
AND COUNTERCLAIMS**

**HEARING DATE:
Monday, March 5, 2012 (if
needed)**

**HEARING TIME:
10:00 a.m. (if needed)**

NOTICE IS HEREBY GIVEN to Plaintiff and its attorneys:

**NOTICE OF UNOPPOSED MOTION AND UNOPPOSED MOTION FOR LEAVE TO
FILE FIRST AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND
COUNTERCLAIMS**

Civ. Action No. SA-CV-11-01309-DOC(ANx)

1 Pursuant to Rule 15 (Fed.R.Civ.P.) and L.R. 15-1 through 15-4, Defendant
2 Keating Dental Arts, Inc. ("KDA") hereby moves the Court for leave to file its
3 First Amended Answer, Affirmative Defenses, and Counterclaims.
4 Contemporaneously with the filing of this Motion, KDA is filing (1) its [Proposed]
5 First Amended Answer, Affirmative Defenses, and Counterclaims, and (2) a
6 proposed Order granting this motion.

7 The amendments are directed to (a) minor edits to clarify the previous
8 pleading language and to add another Affirmative Defense, and (b) adding
9 counterclaims related to (1) declaratory judgment of non-infringement, and (2)
10 unfair competition/malicious prosecution, and/or restraint of trade.

11 KDA filed its original Answer and Counterclaims on October 14, 2011 (less
12 than four months ago), and as mentioned above, the Scheduling Conference for
13 this lawsuit only occurred on December 16, 2011 (approximately six weeks ago).
14 Thus, the parties and the Court are still in the early stages of litigation.

15 Perhaps more importantly, KDA provided timely notice of this filing to both
16 Plaintiff and the Court, at least as early as during that December 16 Scheduling
17 Conference. Plaintiff's counsel has indicated that Plaintiff will not oppose this
18 motion, especially in view of the various communications and discussions of this
19 intended filing that occurred during and have occurred subsequent to that
20 Scheduling Conference.

21 Accordingly, KDA respectfully submits that no notable inconvenience to
22 the Court and/or to Plaintiff by this filing, and KDA thanks the Court and Plaintiff
23 in advance for their expected reasonable cooperation and assistance regarding
24 same.

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28 **NOTICE OF UNOPPOSED MOTION AND UNOPPOSED MOTION FOR LEAVE TO
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1 In support of this motion, and among other things, KDA relies upon the
2 Court record, including the discussions that occurred with the Court and Plaintiff
3 during the aforementioned Scheduling Conference on December 16, 2011.
4

5 Respectfully submitted,

6 Dated: 2012-01-30

/J. Mark Holland/

J. Mark Holland

J. MARK HOLLAND & ASSOCIATES

Attorney for Defendant and Counterclaim

KEATING DENTAL ARTS, INC., a

California corporation
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CERTIFICATE OF CONFERENCE
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13 The undersigned hereby certifies that, subsequent to the Scheduling
14 Conference on December 16, 2011, Plaintiff's counsel advised that Plaintiff would
15 not oppose the present motion.

16 Dated: 2012-01-30

/J. Mark Holland/

J. Mark Holland

J. MARK HOLLAND & ASSOCIATES

Attorney for Defendant and Counterclaim

KEATING DENTAL ARTS, INC., a

California corporation
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**NOTICE OF UNOPPOSED MOTION AND UNOPPOSED MOTION FOR LEAVE TO
FILE FIRST AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND
COUNTERCLAIMS**
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Civ. Action No. SA-CV-11-01309-DOC(ANx)